

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Washington, D.C.

In the Matter of:

NINA L. DONEHUE,

Respondent.

*
*
*
*
*
*
*

DOCKET NO.: 10-3653-DB

**ORDER DENYING RESPONDENT'S REQUEST FOR A HEARING AND AFFIRMING
RESPONDENT'S PROPOSED THREE-YEAR DEBARMENT**

By Notice of Proposed Debarment ("Notice") dated April 30, 2010, the Department of Housing and Urban Development (HUD) notified Respondent NINA L. DONEHUE that HUD was proposing her debarment from future participation in procurement and nonprocurement transactions as a participant or principal with HUD and throughout the Executive Branch of the Federal Government for a three-year period from the date of the final determination of the proposed action. The proposed debarment, the Notice recited, was based upon Respondent's conviction in the United States District Court for the Northern District of California for violation of 18 U.S.C. § 666(a)(1)(A) (Embezzling Funds from Federally Funded Government Agency or Organization). The Notice also advised Respondent that because she was the Secretary of the Board of Directors of Northridge Cooperative Homes, Inc., a HUD-funded entity, she had been involved in covered transactions. Further, the Notice advised Respondent that her actions were evidence of serious irresponsibility and were cause for debarment under 2 CFR §§ 180.800(a)(1),(3), and (4). For her conviction, Respondent was sentenced to five years' probation and ordered to make restitution of \$34, 983.13.

In a letter dated July 5, 2010, responding to HUD's Notice, Respondent requested a hearing, but added that prior to setting a hearing and briefing schedule, she had "a question . . . [that] would give [her] clarity." The letter, addressed to Doug Fischer, did not elaborate further. In an Order dated September 21, 2010, sent to Respondent at her address of record (Postal Plus, 2339 W. Hummer Lane, Suite C, Stockton, CA 95219), the Debarring Official's Designee set a hearing date of October 19, 2010, for Respondent's informal hearing. The Order was returned by the United States Postal Service with the notation "No Such Street Unable to Forward." (Use of another address that was believed to be associated with Respondent, 8429 Mariners Drive, # 48, Stockton, CA 95219-5507, also proved unhelpful.) Government's counsel Notice of Appearance also was returned undeliverable. Subsequent mailings and attempts to reach Respondent were unavailing.

On April 26, 2011, the Debarring Official's Designee reached Respondent and inquired of her whether she still wanted to have the hearing she had requested. Respondent questioned the usefulness to her of a hearing in light of her conviction. The Debarring Official's Designee granted Respondent further time to consider whether she wanted to go forward with the hearing. Respondent also was informed that if the Debarring Official's Designee did not hear from her in a week, he would proceed with the disposition of this matter. To date, Respondent has not responded to the Debarring Official's Designee. Respondent has been given more than ample time to contact the Department to schedule a hearing. Respondent's failure to contact HUD to prosecute her appeal, or to call the Debarring Official's Designee with her decision with respect to having a hearing, strongly suggests that Respondent is uninterested in having a hearing, notwithstanding having been given "an opportunity to contest the proposed debarment." See 2 CFR § 180.810.

Accordingly, for the reasons stated in the Notice, including Respondent's criminal conviction, which provides the basis for her debarment, the actual offense committed by Respondent, which indicates "a lack of business integrity or business honesty that seriously and directly affects [Respondent's] present responsibility," and the absence of mitigating factors in the record, I have determined to affirm the three-year debarment proposed in HUD's Notice dated April 30, 2010, effective from the date of this Order.

WHEREFORE, the premises considered, it is ORDERED that Respondent's request for an informal hearing of her proposed debarment be, and it is hereby, DENIED; and

It is further ORDERED that the proposed debarment be, and it is hereby, AFFIRMED. In accordance with 2 CFR §180.870(b)(2)(i) through (b)(2)(iv), Respondent's "debarment is effective for covered transactions and contracts that are subject to the Federal Acquisition Regulations (48 CFR chapter 1), throughout the executive branch of the Federal Government unless an agency head or an authorized designee grants an exception."

SO ORDERED.

Dated: 5/17/11



Craig T. Clemmensen
Debarring Official
Department Enforcement Center

CERTIFICATE OF SERVICE

I hereby certify that on this 17TH day of May 2011, a true copy of the ORDER DENYING RESPONDENT'S REQUEST FOR A HEARING AND AFFIRMING RESPONDENT'S THREE-YEAR DEBARMENT was served in the manner indicated.



Deborah Valenzuela
Debarment Docket Clerk
Departmental Enforcement Center-Operations

HAND-CARRIED

Mortimer F. Coward, Esq.
Debarring Official's Designee

Terry Roman, Esq.
Melissa Silverman, Esq.
Government Counsel

FIRST CLASS MAIL

Nina L. Donehue

